

### ARGUMENTS/REMARKS

Applicants would like to thank the examiner for the careful consideration given the present application, and for the personal interview conducted on July 17, 2003. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe and claim the subject matter which applicants regard as the invention.

Claims 14, 16, 20-22, and 32-35 remain in this application. Claims 1-13, 15, 17-19 and 28-31 have been canceled. Claims 36-59 have been added.

At the personal interview, the Examiner and applicant discussed the issue of the user being able to select a second audio signal, which was indicated by applicant was not shown in the prior art. The Examiner indicated that the applicant should point out this difference in the response to the outstanding office action, and that the Examiner would review the reference for that feature, and, if necessary, conduct a further search. The amendments to the claims and the following discussion are in response to the Examiner's request.

Claims 1, 2, 4, 6, 14-19 and 21-35 were rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson (U.S. 5,721,783) in view of Moser *et al.* (U.S. 4,847,763) or Leyendecker *et al.* (U.S. 6,226,533) or Akahane (U.S. 6,226,533). Claims 3 and 17-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson in view of Moser *et al.* or Leyendecker *et al.* or Akahane, and further in view of Schneider (U.S. 6,115,478). For the following reasons, the rejection is respectfully traversed.

Claims 1-13, 15, 17-19, and 28-31 have been canceled, making their rejections moot.

Claim 14, as amended, recites a method for "communicating between a hearing device for listening to first audio signals and an individual carrying said device" having "at least one second audio signal of predetermined duration for notifying the user of a status of said hearing device" and a step of "selecting said second audio signal by said individual".

As discussed at the interview, none of the references suggest a second audio signal that can be selected by an individual. At most, Anderson suggests a "verbal warning" that a "battery is low" (see col. 2, lines 40-42) and a "verbal message" to "inform the user that system capabilities have been restored" (col. 21, lines 63-65). There is no suggestion that the user can select any of these second audio signals. None of the additional references overcome this Anderson shortcoming (nor were they cited for such teachings), and thus claim 14 is patentable over the references.

Claims 16 and 20-25, which depend on claim 14, either directly or indirectly, are thus patentable over the references for the same reasons (as well as for the limitations contained therein).

Claim 26, as amended, recites a "generator unit including a *user exchangeable storage* with at least one *user selectable* audio signal for signifying a status of the system". Claim 27 recites storing "user selectable signals according to user defined audio signal sequences of predetermined extent to be output by said generator unit for notifying a user of a status of the system". As discussed above for claim 14, the references do not suggest that any "status" audio signals are "user selectable". Accordingly, claims 26 and 27 are patentable over the references for the same reasons as claim 14.

Further none of the references suggest storing any *status messages* in "user exchangeable storage" as recited in claim 26, and thus claim 26 is patentable over the references for that reason as well.

Claims 32-35, which depend on claim 27 either directly or indirectly, are thus patentable over the references for the same reasons as claim 27 (as well as for the limitations contained therein).

New claim 36 recites "initiating an acknowledgement audio signal" wherein "said audio signal is made selectable by the individual". As discussed for claim 14, above, the cited references do not suggest user selectable audio signals for status indications nor, for this claim, for acknowledgement audio signals. Hence, new claim 36 is patentable over the references.

Claims 37-49, which depend, directly or indirectly, on claim 36, are patentable

for the same reasons (as well as for the limitations recited therein).

New claim 50 recites similar "user selectable" stored signals at lines 9-10, and thus claim 50 is patentable over the references for the same reasons discussed above. New claims 51-59, which depend, directly or indirectly, on claim 50, are patentable for the same reasons (as well as for the limitations contained therein).

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

A check in the amount of \$110.00 is enclosed to cover the fee for a one month extension of time. If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33270.

Respectfully submitted,

PEARNE & GORDON, LLP

By: 

Robert F. Bodi, Reg. No. 48,540

526 Superior Avenue, East  
Suite 1200  
Cleveland, Ohio 44114-1484  
(216) 579-1700

July 24, 2003